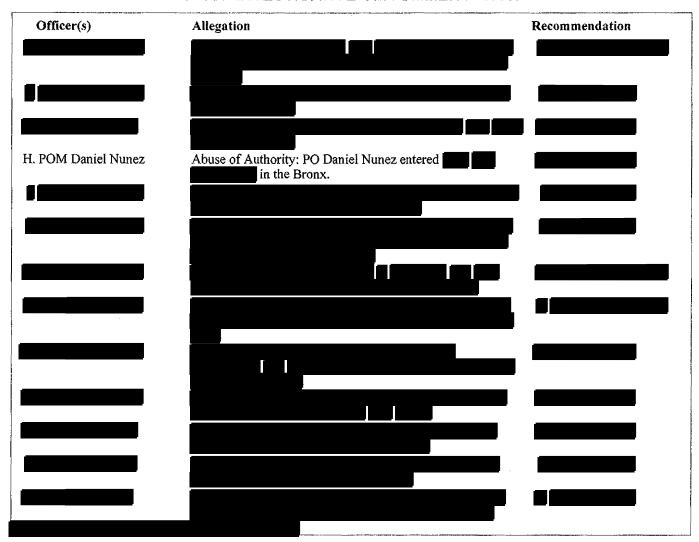
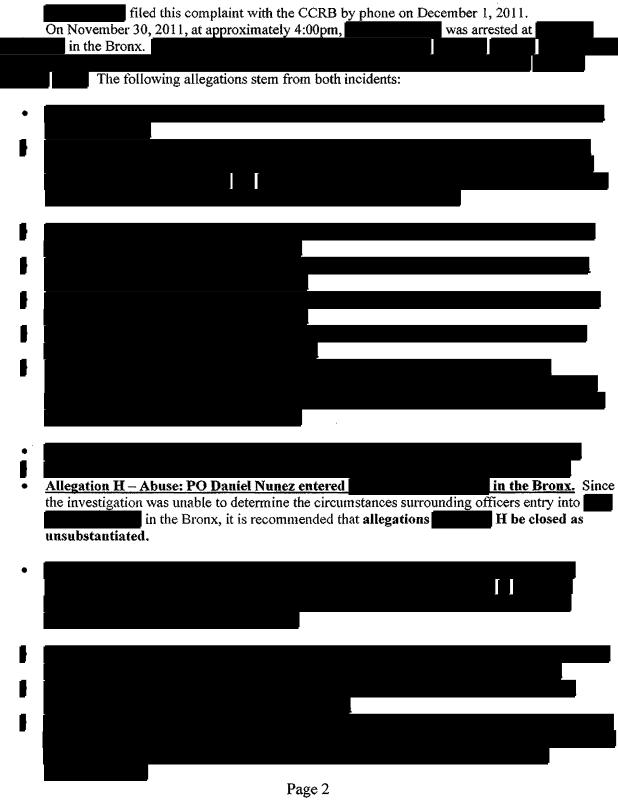
CCRB INVESTIGATIVE RECOMMENDATION

Investigator Assigned:	Team:	CCRB Cas	e#:	▼ Force	✓	Discourtesy	
	Team # 1	2011	15417	✓ Abuse		O.L.	Injury
Date/Time of Incident:	Location of Incide			Occurrence:	Date	S.O.L. Expires:	
Wed, 11/30/2011 04:20 PM	route to the 47th Pr	in the Bronx; Er ecinct stationhou		47	05/30	/2013	
Date/Time C/V Reported:	C/V Reported At:		How C/V R	leported:	Date/	Time Received	at CCRB:
Thu, 12/01/2011 08:20 AM	CCRB		Phone		Thu,	12/01/2011 08:2	0 AM
Complainant/Victim	Туре	Home Addres	s				
1.	Comp/Victim						
2.	Victim						
3.	Victim						
4.	Victim				<u> </u>		
5.	Victim						
6.	Victim						
Witness(es)		Home Addres	s				
1.							
2							
J							
Subject Officer(s)	Shield TaxID	Command					
2. POM Daniel Nunez	18750	047 PCT					
2. Polvi Daniei Nunez	18730	04/PC1					
Witness Officer(s)	Shield TaxID	Command				,	
Officer(s)	Allegation				Rec	ommendation	
	_ 						
CCRB - Confidential			Manager, Manager				

CCRB INVESTIGATIVE RECOMMENDATION



Case Summary





Results of Investigation

Civilian Statements

Victim:		
•		
		<u>.</u>
CCRB Statement		
provided a state	atement at the CCRB on January 6, 2012 (encl. 15a-f). He de	clined
to sign an unsealing order or HIPAA m	nedical release form regarding this incident.	
	proximately 4:00pm, Mr. drove to his friend	
	in the Bronx so they could carpool to work together.	
	pproximately two houses down from Mr. home	
	,	
	not know that the passengers were police officers until later in	n the
incident.		
		Sgt.
all of the 47" Precinct.	PO Nunez was described as	
	T 47 1	
Sg	gt. was described as	
PO was described as		
PO was described as		
PO asked Mr. if h	he could ask him a question. Mr. turned towards the	
officers' vehicle, stopped, replied "No,"		
and another friend,		of Mr
	edly told Mr. to, "Come here," and Mr. ignore	
him. Sgt. and PO follow		
approached Mr. and Mr.	TOTAL TO I CALLE	_
Mr. opened the front do	oor of Mr. home, which was unlocked because	Mr.
		father,
·	ome, was inside the kitchen. Mr. did not believe that I	•
was startled by his appearance	· · · · · · · · · · · · · · · · · · ·	

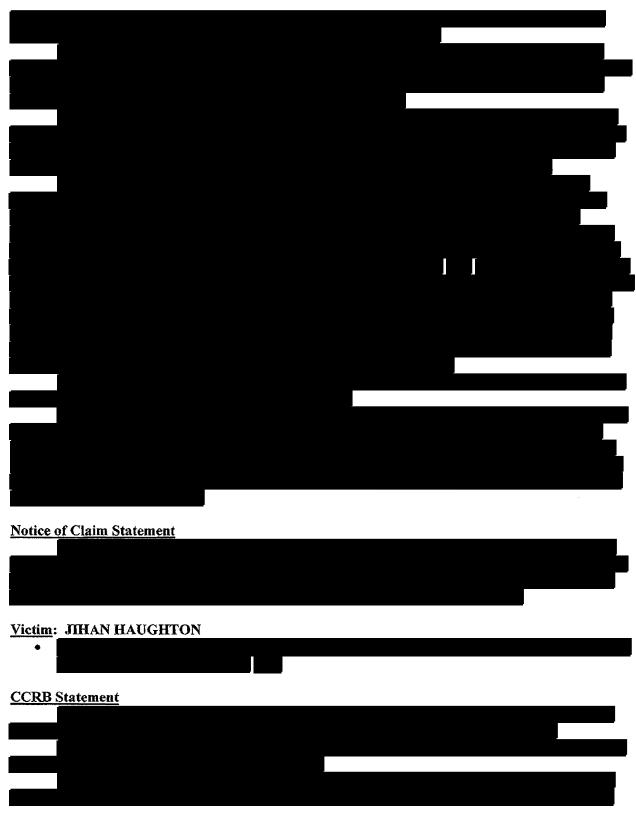
Page 3 CCRB Case # 201115417

Mr. immediately "powerwalked" up the stairs beyond the front door of the house to look out the window to see what the officers were doing outside. It took him approximately one second to powerwalk to the top of the stairs. He heard banging on the front door, and then the door was kicked open. One or two officers entered the house. Mr. was inside Mr. bedroom on the second floor when officers entered the house. Later, he stated that he was at the top of the stairs when the officers entered.
After the door was opened, one or more officers said to Mr. Police! Get down. Where did he go?" Sgt. ran upstairs and told Mr. to freeze. Mr. put both of his hands in the air and froze, and then Sgt. pepper-sprayed him. At different times in his interview, Mr. also stated that Sgt. sprayed him continuously for approximately five seconds, as soon as he reached the top of the stairs, and that Sgt. ran up the stairs, asked him why he ran, and then pepper-sprayed him. At another point, Mr. stated that Sgt. did not ask him why he ran until later, after he was pepper-sprayed and brought to the ground. Mr. also stated that Sgt. first pepper-sprayed him as he ran up the stairs towards him, and then sprayed him a second time once he reached the top of the stairs.
Sgt. brought Mr. to the ground and handcuffed him. Mr. cut his right hand and scratched the right side of his right arm from scraping it on the railing when he went to the ground. Mr. did not resist being handcuffed. Sgt. called him a "fucking idiot" for running and told Mr. to "shut the fuck up" when he tried to explain that he did not know they were police. PO arrived from an unknown location and may have heard Sgt. curse at him. Mr. and Mr. never entered the house. Sgt. and PO walked Mr. out to the police vehicle and placed him in the backseat, on the passenger side of the car. PO rode next to Mr. in the back of the vehicle and never had any physical contact with him during the incident. PO Nunez began to drive towards the 47 th Precinct stationhouse. After they reached the end of Mr. block, Sgt. turned around from the passenger seat and told him, "Wait until we get to the precinct, I'm not done with you," which Mr. interpreted as a physical threat. Mr. tried to explain again that he did not know they were police officers. Sgt. repeated for him to "Shut the fuck up," and to wait until they got to the Precinct stationhouse. While Sgt. spoke, he swung an extendable black metal stick, identified by the investigation as an asp, from side to side at Mr. face. On the first swing, Sgt. hit Mr. in the right side of his bottom lip. The impact was light, but was enough force to cause a small "bust" in Mr. lip. On the second swing, Mr. ducked his head and the asp did not make contact. Neither of the other officers or Mr. reacted, and Mr. was quiet the rest of the way to the stationhouse.
Mr. was eventually brought to Bronx Central Booking where he was informed that the charges against him (drug possession and resisting arrest) had been dropped.
Notice of Claim Statement

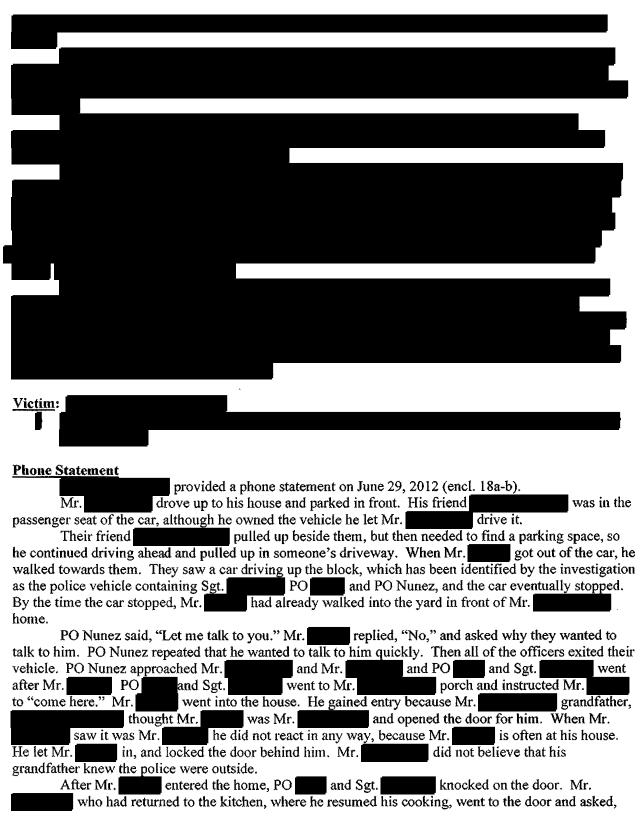
Page 4 CCRB Case # 201115417

50-H Hearing Statement
provided a statement at his 50-H hearing on March 15, 2012 (encl. 15i-jij). The circumstances described by Mr. are similar to those described in his CCRB statement, but some or
the details differ. Therefore, his statement is summarized below.
Mr. stated that he and Mr. arrived at in their vehicles
at the same time. Mr. parked his car across the street from parked in front of After Mr. parked his car, he walked across the street towards Mr. As he walked, the vehicle later
parked in front of After Mr. parked his car, he walked across
the street towards Mr. home at
Mr. did not know they were officers and ignored them as he continued to walk towards
. Later in his statement, Mr. stated that he was told to "come here" by an officer as he
entered entered
Mr. walked up the stairs in front of Mr. home before Mr. exited
his vehicle. Rather than wait for Mr. Mr. Walked inside the house. In order to enter
the house, Mr. opened the unlocked metal security door, and then opened the unlocked front door
and walked inside. He closed the front door behind him. Mr. saw Mr. cooking in the
kitchen and said "hi grandpa" as he walked upstairs to Mr. room, where they usually hang
out. When he got to the top of the flight of approximately twenty stairs one or two seconds later, he heard banging on the door. The door "flew" open and Mr. who had gone behind the door, was
knocked over. Sgt. entered with his pepper spray canister out and PO had his gun out.
Sgt. told him to "Get the fuck to the floor," but before Mr. could react, Sgt.
sprayed Mr. all over the face with pepper spray from a distance of approximately four feet. PO
was one foot behind Sgt. when Mr. was pepper-sprayed. Then Mr. was
pushed to the floor, but he did not specify who did this. He scraped his left arm on the hinge of a door as
he was going to the ground. When he got to the ground and was handcuffed, Sgt. kicked him in
the face and asked him why he ran. Mr. was brought outside and placed in the backseat of the officers' vehicle. After the
Mr. was brought outside and placed in the backseat of the officers' vehicle. After the officers started driving towards the 47 th Precinct stationhouse, Sgt. turned around in his seat and
asked, "Why did you fucking run?" and hit Mr. in the lip area with his asp, which was in a
collapsed position, two times. This caused swelling but no break in the skin.
At the stationhouse, Mr. was patted down and told to remove his pants and shoes. His
shirt and underwear were left on. Mr. did not specify who was involved in this process. At some
point, Sgt. told Mr. that they found marijuana on him, as well as thirty bags of crack
cocaine.
At Central Booking, Mr. was told to remove his pants, shirt, shoes, and socks, but
remained in his underwear. Mr. missed two days of work as a result of the incident.
Complainant/Victim:
CCRB
CCRD

Page 5 CCRB Case # 201115417

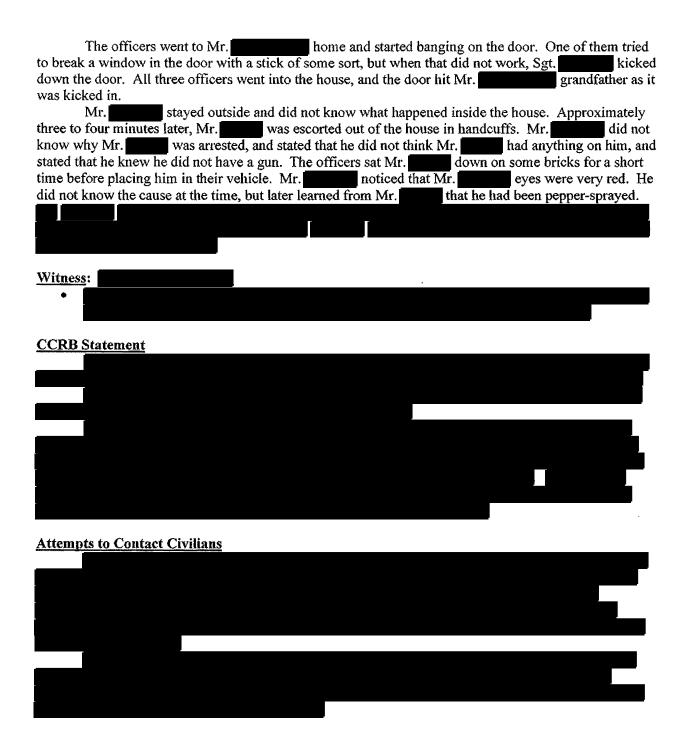


Page 6
CCRB Case # 201115417

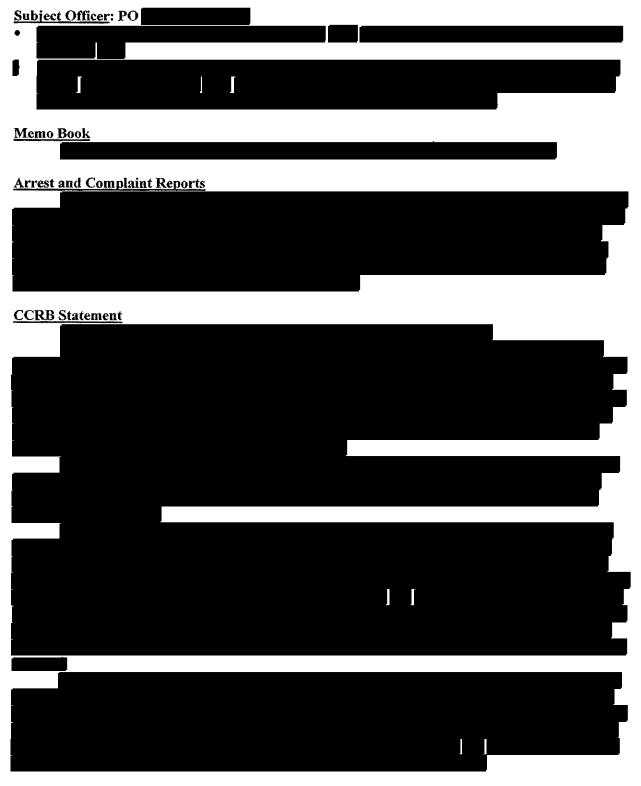


Page 7
CCRB Case # 201115417

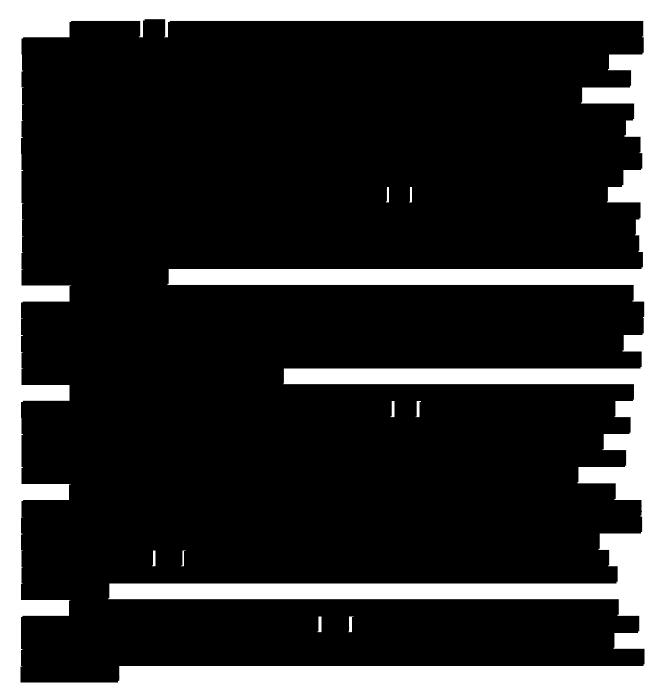
"Who is it?" The officers did not respond, and Sgt. kicked down the door. The door hit Mr.
who fell backwards on the steps leading to the second floor of the house. Mr.
right in front of his house when this occurred, approximately twenty to twenty five feet from the front
door. He estimated that only thirty to sixty seconds elapsed between Mr. entering the home and
the door being kicked down, but he did not clarify how much of the officers' entry he witnessed and how
much he learned from Mr.
Mr. told PO Nunez that it was not necessary to kick the door down, as he had the key
on him. PO Nunez did not say anything. He told Mr. and Mr. to put their arms up,
and patted Mr. from his shoulders down. He flipped Mr. front and back pants
pockets and the front pocket of his hooded sweatshirt inside-out. PO Nunez then did the same to Mr. While this occurred, Mr. and Mr. asked why they were being stopped but
While this occurred, Mr. and Mr. asked why they were being stopped but did not receive a response. Mr. heard officers inside his home yelling "get down," and heard
Mr. screaming.
Approximately one minute after the officers went inside, PO Nunez entered the home. Mr.
and Mr. followed PO Nunez inside. Mr. saw "mace" all over the wall,
and the fumes burned his eyes. The "mace" looked like tomato sauce, and was on the walls from the
entry to the house, all the way up the stairs to the bathroom. He believed that Mr. had been
handcuffed upstairs in the bathroom, but did not see it occur.
As the officers were leaving, Sgt. turned to Mr. and said something along
the lines of, "This is what you get for fucking playing around." Mr. asked what he was
talking about. He and Sgt. got in an argument and Sgt. brandished his nightstick and
said, "I'll bust your fucking head right now, keep talking shit." Mr. asked Sgt. who
was going to fix his door, and Sgt. told him to, "Ask your fucking friend." The officers then
departed.
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain.
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain.
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice."
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice."
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice."
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim:
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim: Phone Statement
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim: Phone Statement provided a phone statement on September 5, 2012 (encl. 19a).
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim: Phone Statement provided a phone statement on September 5, 2012 (encl. 19a). and his friend drove to Mr. house, where they
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim: Phone Statement provided a phone statement on September 5, 2012 (encl. 19a). and his friend drove to Mr. was in the front passenger seat. Their friend pulled up in his car at the same time, and he passed them and parked a bit ahead of them.
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim: Phone Statement provided a phone statement on September 5, 2012 (encl. 19a). and his friend parked out front. Mr. was in the driver's seat and Mr. was in the front passenger seat. Their friend pulled up in his car at the same time, and he passed them and parked a bit ahead of them. The officers stopped Mr. and Mr. by double parking their car next to theirs.
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim: Phone Statement provided a phone statement on September 5, 2012 (encl. 19a). and his friend drove to Mr. house, where they parked out front. Mr. was in the driver's seat and Mr. was in the front passenger seat. Their friend pulled up in his car at the same time, and he passed them and parked a bit ahead of them. The officers stopped Mr. and Mr. by double parking their car next to theirs. As Mr. exited the driver's seat and Mr. exited the passenger's seat, the officers also
After the incident, Mr. went to the 47th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim: Phone Statement provided a phone statement on September 5, 2012 (encl. 19a). and his friend parked out front. Mr. was in the driver's seat and Mr. was in the front passenger seat. Their friend pulled up in his car at the same time, and he passed them and parked a bit ahead of them. The officers stopped Mr. and Mr. by double parking their car next to theirs. As Mr. exited the driver's seat and Mr. was not sure if the officers said anything to
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim: Phone Statement provided a phone statement on September 5, 2012 (encl. 19a). and his friend parked out front. Mr. was in the driver's seat and Mr. was in the front passenger seat. Their friend bit ahead of them. The officers stopped Mr. and Mr. by double parking their car next to theirs. As Mr. exited the driver's seat and Mr. exited the passenger's seat, the officers also exited their vehicle and approached them. Mr. was not sure if the officers said anything to them, but believed that they may have said, "stop" or asked them where they were going. Then the
After the incident, Mr. went to the 47th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim: Phone Statement provided a phone statement on September 5, 2012 (encl. 19a). and his friend parked out front. Mr. was in the driver's seat and Mr. was in the front passenger seat. Their friend bit ahead of them. The officers stopped Mr. and Mr. by double parking their car next to theirs. As Mr. exited the driver's seat and Mr. was not sure if the officers said anything to them, but believed that they may have said, "stop" or asked them where they were going. Then the officers noticed Mr. who was crossing the street and walking towards Mr. home.
After the incident, Mr. went to the 47 th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim: Phone Statement provided a phone statement on September 5, 2012 (encl. 19a). and his friend parked out front. Mr. was in the driver's seat and Mr. was in the front passenger seat. Their friend bit ahead of them. The officers stopped Mr. and Mr. by double parking their car next to theirs. As Mr. exited the driver's seat and Mr. was not sure if the officers said anything to them, but believed that they may have said, "stop" or asked them where they were going. Then the officers noticed Mr. who was crossing the street and walking towards Mr. The officers seemed to become distracted and forget all about Mr. and Mr.
After the incident, Mr. went to the 47th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim: Phone Statement provided a phone statement on September 5, 2012 (encl. 19a). and his friend parked out front. Mr. was in the driver's seat and Mr. was in the front passenger seat. Their friend pulled up in his car at the same time, and he passed them and parked a bit ahead of them. The officers stopped Mr. and Mr. was not sure if the officers said anything to them, but believed that they may have said, "stop" or asked them where they were going. Then the officers noticed Mr. who was crossing the street and walking towards Mr. home. The officers seemed to become distracted and forget all about Mr. and
After the incident, Mr. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim: Phone Statement provided a phone statement on September 5, 2012 (encl. 19a). and his friend parked out front. Mr. was in the driver's seat and Mr. was in the same time, and he passed them and parked a bit ahead of them. The officers stopped Mr. As Mr. and Mr. was in the driver's seat and Mr. was not sure if the officers said anything to them, but believed that they may have said, "stop" or asked them where they were going. Then the officers noticed Mr. Who was crossing the street and walking towards Mr. Mr. was also frisked was also frisked was also frisked
After the incident, Mr. went to the 47th Precinct stationhouse and asked for a captain. He was brought to a back room and handcuffs were placed on him. After approximately one hour, he was released with a ticket for "obstructing justice." Victim: Phone Statement provided a phone statement on September 5, 2012 (encl. 19a). and his friend parked out front. Mr. was in the driver's seat and Mr. was in the front passenger seat. Their friend pulled up in his car at the same time, and he passed them and parked a bit ahead of them. The officers stopped Mr. and Mr. was not sure if the officers said anything to them, but believed that they may have said, "stop" or asked them where they were going. Then the officers noticed Mr. who was crossing the street and walking towards Mr. home. The officers seemed to become distracted and forget all about Mr. and



NYPD Statements:



Page 10 CCRB Case # 201115417



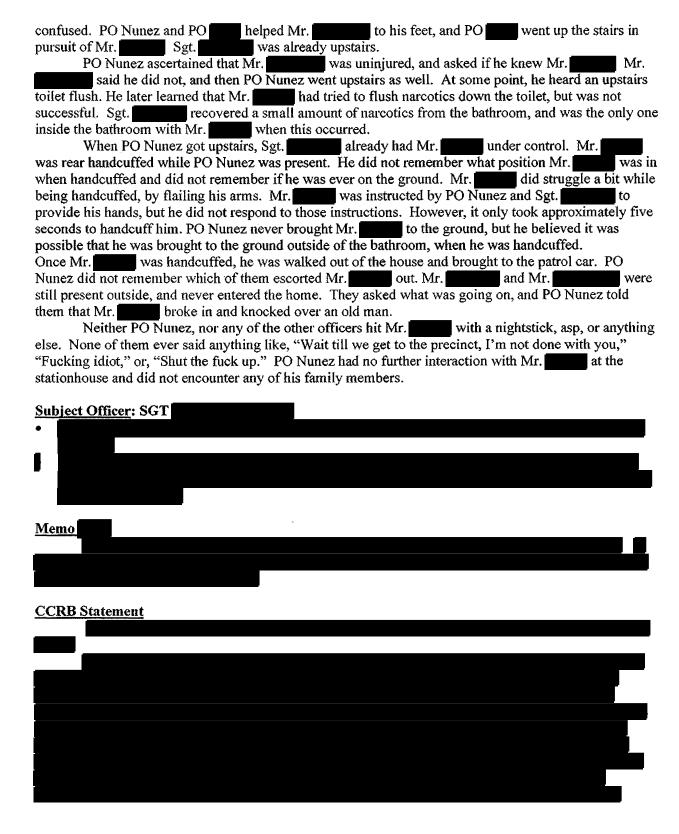
Subject Officer: PO DANIEL NUNEZ

On the date of the incident, PO Nunez was on dual assignment, from 9:30am through 6:05pm. He was assigned to Anti-Crime with PO and Sgt. PO Nunez was in plainclothes, in an unmarked navy blue Crown Victoria.

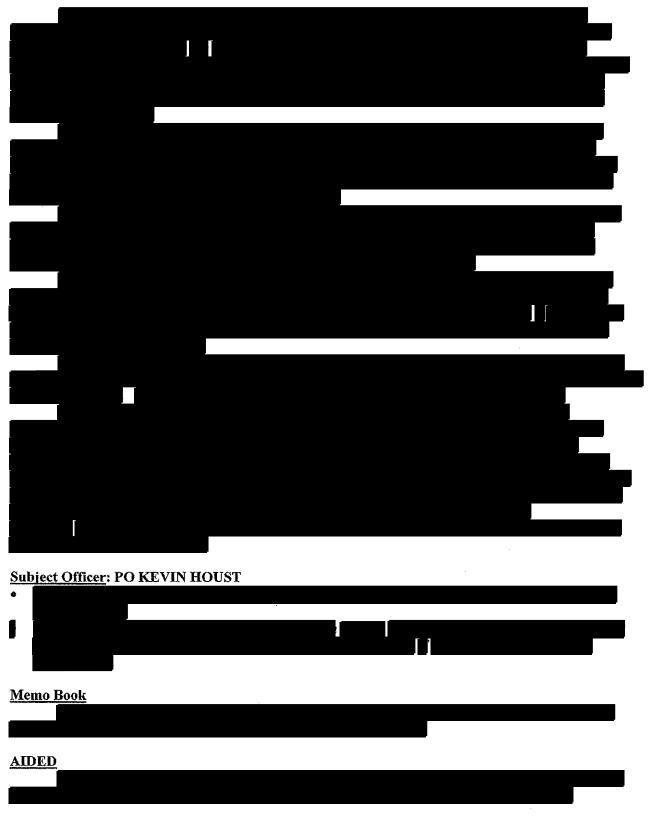
Page 11 CCRB Case # 201115417

Memo Book At 4:30pm, there was one arrest at by PO (encl. 21a-b).
CCRB Statement PO Nunez was interviewed on October 12, 2012 (encl. 21c-e). His statement was generally
consistent with PO and is summarized below.
PO Nunez and his team were driving on East 214th Street in the Bronx when they saw a group of
approximately three young black males in jackets standing close together on the sidewalk, close to a car.
It seemed unusual for a group of males to be standing so close to each other. PO Nunez, who was the
operator of the vehicle, slowed the car down so it was even with the males and approximately one car-
width away from them. He rolled down the window, identified himself as a police officer, and said something along the lines of, "Hey guys, is everything alright?"
PO Nunez never determined what the group was doing because around this time, a young male,
later determined to be walked away from the group, traveling east on the sidewalk of
East 214th Street. PO Nunez could not tell if Mr. had been part of the group or if he was just
walking by.
As soon as PO Nunez identified himself as an officer, Mr. turned his entire body away
from PO Nunez, so that his back as to PO Nunez and to the street. He hunched his body forward and
moved his hands towards the front of his waistband, and started running.
The officers all exited their vehicle. Sgt. and PO ran after Mr. and told
him to stop approximately ten times. He ignored them and continued to run towards a private house. PO Nunez stayed behind with the group of people.
Mr. Training ran up to the house and started banging on the door and pulling on the knob, trying to
get inside. PO Nunez was worried because there are numerous shootings and robberies in that area, so
PO Nunez was scared for his safety and for the safety of whoever was behind the door. He noticed that
Mr. did not seem to have a key and he asked the people on the sidewalk, identified by the
investigation as and and if any of them lived in the house Mr.
was trying to get into. Mr. stated that he lived there. PO Nunez asked if Mr. lived at
that house too and if any of them knew what was going on. Mr. stated that Mr. stated that Mr.
not live there, and he and Mr. shrugged their shoulders to indicate that they did not know much
else. During this time, PO Nunez did not communicate with his supervisor or partner. He did not
remember frisking anyone, and denied searching anyone. PO Nunez denied that any of the other officers frisked or searched them.
Meanwhile, Mr. continued to bang and tug on the door. Sgt. and PO
caught up to him at the door, and Mr. turned around and pushed Sgt. in the chest,
causing him to be propelled backwards. PO Nunez was afraid the sergeant would fall, but PO was
behind him and seemed to catch him. Later, PO Nunez learned that Sgt. discharged his pepper
spray after being pushed, but PO Nunez was still with the young men on the sidewalk at the time and did
not witness this part. The pepper spray was released to prevent Mr. from breaking into the house.
PO Nunez did not know if the pepper spray affected Mr. or not, and did not notice anything that
indicated that he had been pepper sprayed.
Eventually, the door was opened, and PO Nunez believed that Mr. had pushed the door
open and pushed his way inside. At approximately this time, which PO Nunez estimated was approximately thirty seconds after Mr. took off running, PO Nunez left the group and approached
the house. PO Nunez did not remember if Mr. closed the door behind him or not. He did recall
there being some damage to the door, but did not remember what kind of damage it was. By the time he
got to the front door, Mr. PO and and Sgt. were already inside the house. Inside the
front door was an elderly man, least lying on the ground. Mr. seemed very

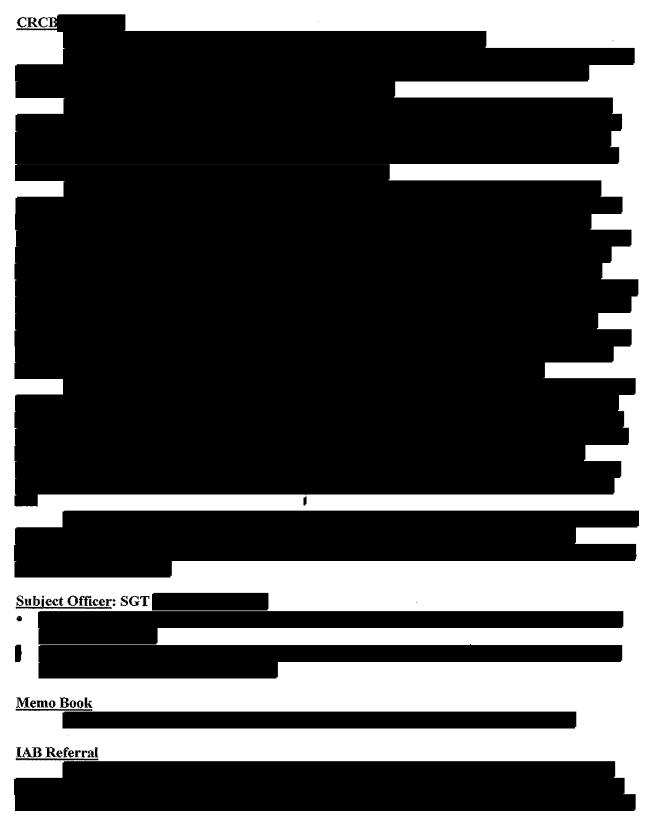
Page 12 CCRB Case # 201115417



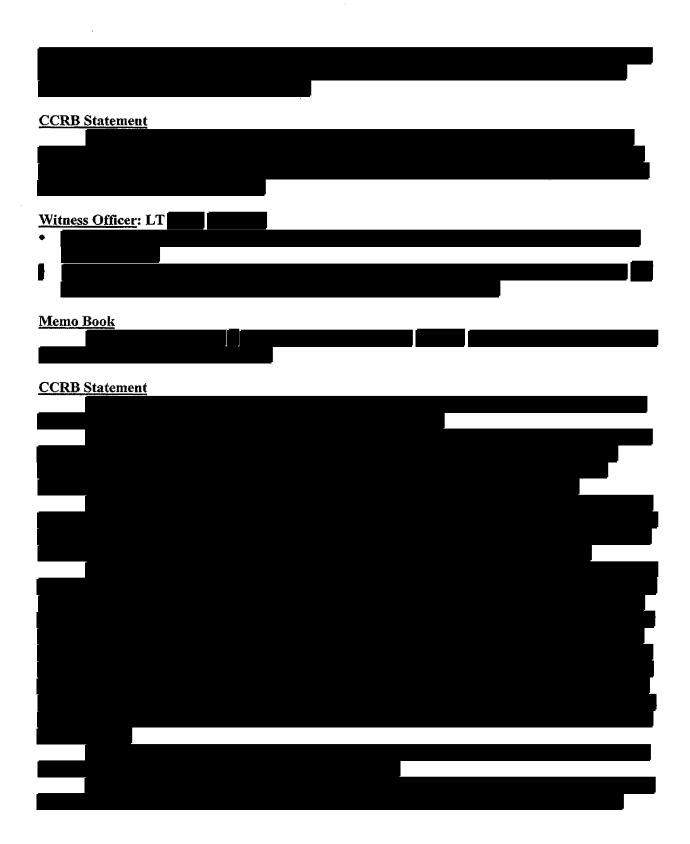
Page 13 CCRB Case # 201115417



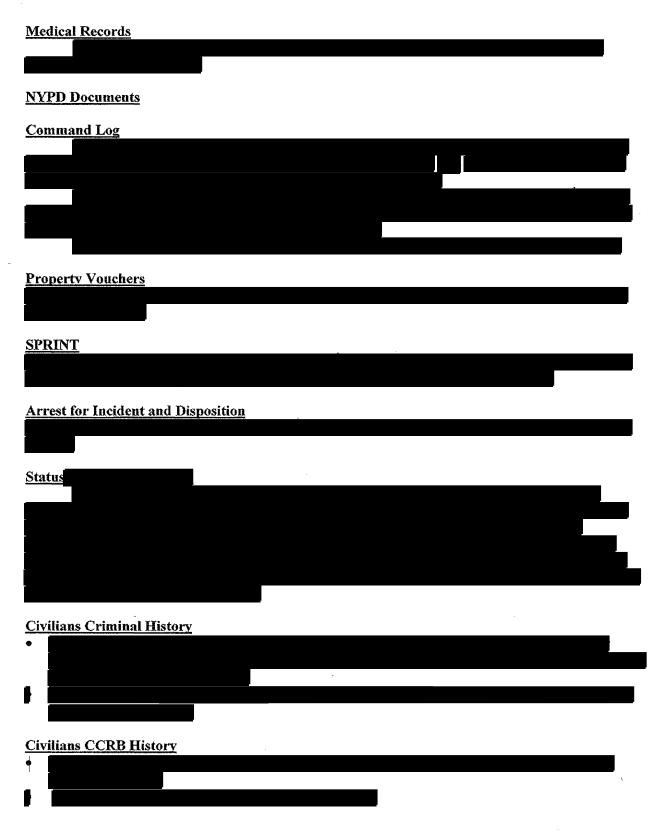
Page 14 CCRB Case # 201115417



Page 15 CCRB Case # 201115417



Page 16 **CCRB Case # 201115417**



Page 17 CCRB Case # 201115417

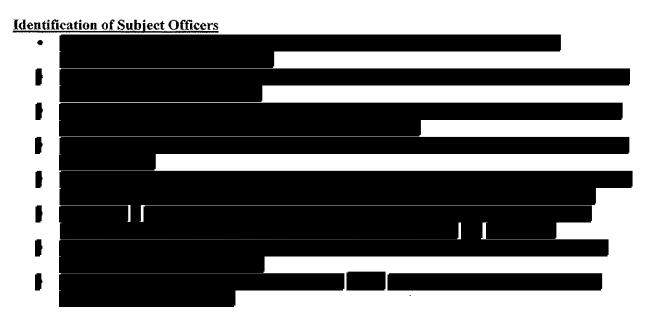


Subject Officers CCRB History

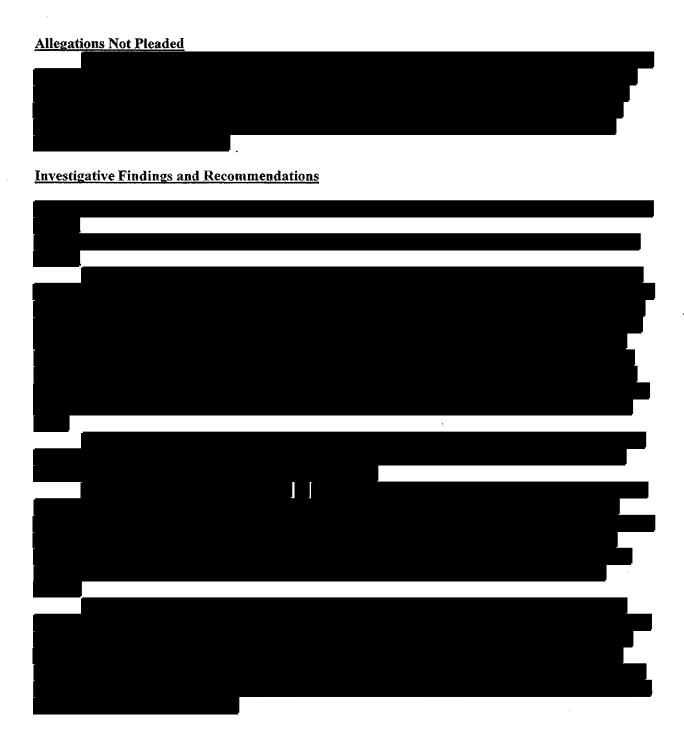
- Sgt. Daniel Nunez has been a member of the service for seven years and there are two substantiated CCRB allegations against him (encl. 2a).
 - o In CCRB case number 200610674, allegations of a stop and a search were substantiated. Sgt. Nunez pled guilty and lost two vacation days.



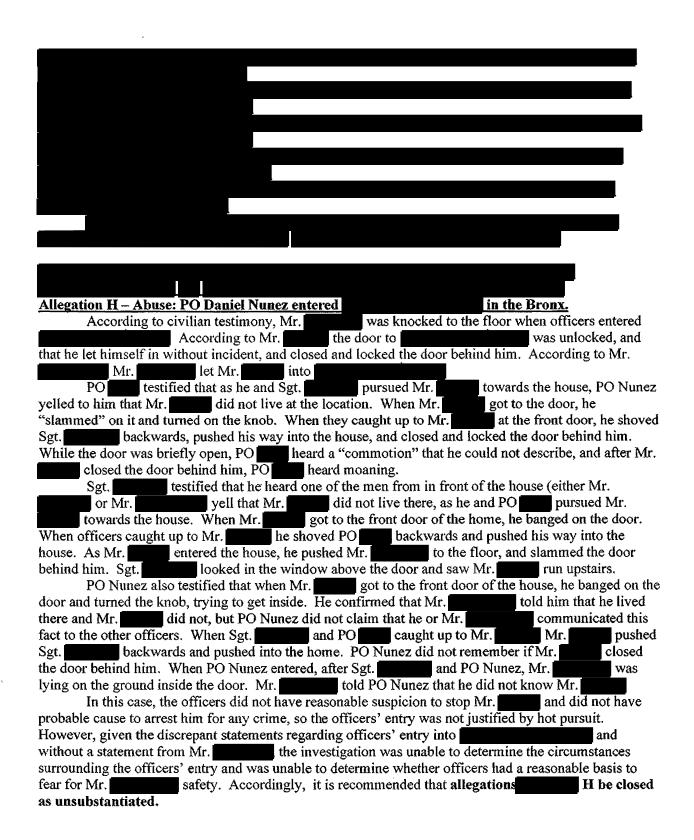
Conclusion



Page 18 CCRB Case # 201115417



Page 19 CCRB Case # 201115417



Page 20 CCRB Case # 201115417



Page 21 CCRB Case # 201115417



Page 22 CCRB Case # 201115417

Team: 1		
Investigat		4//7//3
Superviso		ate (
Reviewer:	, mil	411/13 Bate
Reviewer:		
Title/Signature	Print	Date